

**Manuscript version: Author's Accepted Manuscript**

The version presented in WRAP is the author's accepted manuscript and may differ from the published version or Version of Record.

**Persistent WRAP URL:**

<http://wrap.warwick.ac.uk/115630>

**How to cite:**

Please refer to published version for the most recent bibliographic citation information. If a published version is known of, the repository item page linked to above, will contain details on accessing it.

**Copyright and reuse:**

The Warwick Research Archive Portal (WRAP) makes this work by researchers of the University of Warwick available open access under the following conditions.

Copyright © and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable the material made available in WRAP has been checked for eligibility before being made available.

Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

**Publisher's statement:**

Please refer to the repository item page, publisher's statement section, for further information.

For more information, please contact the WRAP Team at: [wrap@warwick.ac.uk](mailto:wrap@warwick.ac.uk).

# The Admissions Criteria of Secondary Free Schools

Rebecca Morris

Oxford Review of Education

Corresponding Author: Rebecca Morris

## **Abstract**

This paper presents the results of an analysis of the admissions criteria used by the first two waves of secondary Free Schools in England. The type of criteria and their ranked order is

explored and their potential impact on the school composition is considered. The findings demonstrate the diversity of criteria being used by this new type of school and give some insight in to how Free Schools appear to be prioritising access. As Free Schools operate outside of Local Authority control with regards to admissions procedures they are able to choose their own feeder schools, set their own catchment areas, prioritise particular postcode districts, guarantee places for children of the school's founders or opt to use banding systems. Whilst the admissions policies of the majority of secondary Free Schools appear to be adhering to the 2012 Admissions Code legislation, this study highlights the influence that such criteria may have in creating intakes which are less balanced in terms of socioeconomic status, ethnicity or religious affiliation.

Key Words: free schools, academies, admissions, segregation

## Introduction

The dramatic expansion of the academies programme under the Coalition government has led to nearly 3,000 schools in England holding academy status and therefore operating as their own admissions authority (DfE, 2013a). Since 2010 a number of new types of schools (such as Free Schools, University Technical Colleges (UTCs) and Studio Schools) have been introduced as an extension to the academies policy and have contributed to the number of institutions setting their own admissions arrangements. This paper focuses on the admissions policies and oversubscription criteria used by the first two waves of secondary Free Schools.

Free Schools are an extension of the academies programme and are based on similar models found in Sweden and America. They tend to be brand new schools rather than community, maintained schools that have either been taken over by a sponsor or converted to academy status. There are, however, some exceptions to this where grammar or private schools have converted to Free School status. Like academies they are state-funded and have increased freedoms in relation to admissions, curriculum, budgets and staffing. Once a Free School has been established the main difference between it and an academy is the fact that it can employ teaching staff without Qualified Teacher Status (QTS) (NSN, 2011).

There are currently 174 Free Schools operating in England (DfEb, 2013) with a further 102 approved to open from September 2014 (Adams, 2013). As well as serving primary or secondary age children in separate institutions, there are a number of 'all-through' Free Schools which provide education for 4-16 or 4-18 year olds. A small number of Free Schools have also been set-up to cater for children with Special Educational Needs (SEN) or to offer alternative provision for those not able to attend mainstream school.

Although Free Schools must comply with the legislation of the 2012 School Admissions Code, they operate outside of the Local Education Authority (LEA) and so can control their own admissions arrangements. They are not, however, the first type of school to be able to do this. The 1980 Education Act and the 1988 Education Reform Act saw a move towards increased parental choice and a more market-oriented system (Flude & Hammer, 1990). The latter legislation allowed more schools to opt out of LEA control and become 'grant maintained' (GM). These institutions, along with City Technology Colleges (CTCs) and voluntary-aided (VA) schools, were responsible for their own admissions arrangements. The introduction of academies in 2000 also increased the number of autonomous schools in England.

Research into the admissions arrangements used by schools operating as their own admissions authority has highlighted a number of issues linked to equality of access and pupil clustering or segregation. Some studies have identified a link between schools responsible for their own admissions and the student composition, both on an individual or LEA wide basis (Allen, Coldron & West, 2011; Gorard, Taylor & Fitz, 2003; West, Hind & Pennell, 2004). Faith schools (which are nearly always self-governing with regards to admissions) are more likely to have advantaged intakes (Allen & West, 2011) whilst data on academies has indicated that their intakes have shifted, becoming less disadvantaged since their introduction in 2000 (Curtis, Exley, Sasia, Tough & Whitty, 2008; PWC, 2008; Wilson, 2011). Levels of socioeconomic segregation have also been found to be higher in LEAs where there are more schools operating as their own admissions authority (Gorard *et al.*, 2003). Some suggest that admissions procedures are at least partly responsible for this compositional variance (The Sutton Trust, 2013; Wilson, 2011). Within this context, some commentators believe that introducing an additional autonomous school into a particular area could lead to further unintended clustering of certain groups of students (Hatcher, 2011; Shepherd & Vasagar, 2010). Such clustering has been shown to have a detrimental effect on children's experiences of education and their academic outcomes, aspirations and sense of justice (see Gorard, Hordosy & See, 2013 for further discussion of this).

New School Admissions Codes in 2003 and 2007 have seen some important changes in how admissions and allocation processes are managed. Allen *et al.* (2011) note that changes in these School Admissions Codes appear to have contributed slightly towards reduced segregation although they conclude that on-going monitoring is needed, particularly in areas with a number of new schools (Allen *et al.*, 2011).

Building on this, the recent Academies Commission report (2013) has highlighted the potential for new schools, such as Free Schools, to be socially selective. Reference is made to the lack of transparency in some oversubscription criteria used by Free Schools, particularly in relation to derogations from the Schools Admissions Code which allow children of the school's founders to be given priority access (Academies Commission, 2013). Initial analyses of the intakes of the first 24 Free Schools showed that they had significantly fewer students eligible for Free School Meals (FSM) than the national average, and that when compared with other schools in their local area, this difference became even more apparent (Gooch, 2011). With an increasing number of Free Schools having a designated faith ethos (Vasagar, 2012), and therefore using faith criteria in their admissions, there is further potential for segregation to increase on a religious basis, and also on an ethnic one too (Harris, 2012). An

understanding of the extent to which admissions policies used by Free Schools may affect levels of segregation forms part of the analysis in this paper.

Some issues with Free School admissions policies and practices have already been investigated by the Office of the Schools Adjudicator (OSA) due to breaches of the 2012 Admissions Code. These breaches were linked to not publishing admissions arrangements on time (OSA, 2012a) and giving priority access to children who had attended a fee-paying institutions linked to the Free School (OSA, 2012b; 2012c). All objections were upheld and relevant changes have been made to the admissions policies. Concerns have been raised, however, that it is the responsibility of the individual authorities (in this case, the schools themselves) to ensure compliance with the code, meaning that unless breaches are highlighted by a third party then no action can be taken (Downs, 2013).

Of course, the influence of admissions procedures and oversubscription criteria on the composition of a school should not be overstated. As the majority of children still attend a school close to where they live (Burgess, Briggs, McConnell & Slater, 2006; Gorard *et al.*, 2003) then it will be the characteristics of children living in the local area which are more likely to be represented in the school. The clustering of pupils based on their socioeconomic background, ethnicity or religion is primarily the result of the residential segregation that occurs in this country; schools which use proximity criteria tend to find this clustering is reflected in their student composition (Gorard *et al.*, 2003). Some recent work has highlighted a decrease in neighbourhood ethnic segregation (Catney, 2013) although whether this will lead to a decrease in school segregation is not yet known.

As White, Gorard, Fitz & Taylor (2001) noted the analysis of admissions criteria only constitutes one part of the process of choosing and being allocated to a school. The scope of this paper, however, does not allow for in-depth analysis of the practices used by Free Schools prior to and during the applications process, but instead will focus on the oversubscription criteria used. It is also important to remember that oversubscription criteria are only employed when a school has more applicants than places. In the event that it is not oversubscribed, then all applicants are required by law to be offered a place (DfE, 2012).

## **Method**

Of the 81 Free Schools that opened in England in 2011 and 2012, 32 of them provide education for secondary-age children. These include 25 schools catering for 11-16 or 11-18 year olds, one which serves 14-19 year olds and six ‘all-through’ schools for children aged 4-16 or 4-18. The School Admissions Code states that all schools must have separate oversubscription criteria for each “relevant age group” (DfE, 2012, p.9) and therefore in the analysis of ‘all-through schools’ only the criteria applicable to the secondary age group will be used.

The School Admissions Code makes it clear that all admissions authorities (including individual schools operating outside of LEA control) are required to publish a copy of their arrangements on their website (DfE, 2012). This makes locating the Free Schools’ admissions policies relatively straightforward providing that they are adhering to the legislation. With the exception of just two schools all admissions policies were found directly through the schools’ websites. In the cases where they were not available, one policy was located via the relevant LEA’s website. The second was found via a Google search as the LEA had stated that the school’s “admissions criteria were unavailable at the time of going to print” (Sunderland Council, 2012, p.23).

For the purposes of this study the most up-to-date admissions policy available was used. Of the 32 policies, 17 were based on entry to the school in the 2013-2014 academic year and 11 on entry to the school in the 2014-2015 academic year. Two of the policies refer to entry in 2012 and one of them for the 2011-2012 year. One of the admissions policies does not refer to any specific year. As the schools have recently entered their second or third year of existence it is likely that some have made amendments to their admissions policy. Paper copies of the documents have been kept as it is acknowledged that different versions could be currently available to view online. Unless specified, only approved, final copies of admissions arrangements were used for analysis as opposed to copies that were in draft or consultation stages.

### **Allocating students to Free Schools**

Previous research which has focused on admissions policies has highlighted the significant diversity in the oversubscription criteria used within different schools and LEAs (West, Barham & Hind, 2009; White *et al.*, 2001). This also appears to be the case amongst the 32 Free Schools featured in this analysis. In many ways this is unsurprising due to the fact that Free Schools operate outside of LEA control and therefore do not have to adopt similar

procedures or criteria if they do not wish to. The admissions policy of each individual Free School reflects the choices of the founders of the school, and providing that they adhere to the School Admissions Code they are likely to be approved by the DfE and form part of the school's funding agreement.

The analysis of the criteria used to allocate Free School places is discussed below, beginning with an overview of the findings regarding children with statements of SEN and Looked After children, and followed by an evaluation of the schools which are using some form of banding. The final section of analysis looks at nine further categories of oversubscription criteria that are used within the Free Schools.

### ***Statements of SEN and Looked After Children***

All secondary Free Schools include their arrangements for children with Statements of Special Needs and Looked After children in their admissions policies. The Education Act 1996 made it an obligation that any child with a statement of SEN who names a particular school must be admitted. This legislation has been part of all Admissions Codes since 1996 and is not considered to be criteria for oversubscription.

Since 2007 the law has stated that Looked After children or those in public care (including those who have previously been classed as 'Looked After' or who have been 'Looked After' and are now adopted) are required by all schools to be given the highest priority in admissions (DfE, 2012). All of the secondary Free Schools stated priority for Looked After children as their first oversubscription criteria.

### ***Banding***

#### ***Authority wide banding***

In an attempt to achieve a comprehensive range of abilities within a school or group of schools, some admissions authorities use a system of banding. In the past a number of LEAs organised this on an authority wide basis (West, 2005) although there are currently only four London boroughs which continue to do so. Students within the authority are required to take a standard test and their scores are then used to allocate them to one of a number of attainment bands. Following the 2003 School Admissions Code these bands must allow for an equal proportion of children from each ability group to be awarded places whereas



previously banding could allow for more children to be admitted to the higher bands, thus skewing the overall intake of the school. Such ‘fair banding’ procedures have been shown to produce less segregated school intakes (Gorard *et al.*, 2003) and perhaps offer an alternative to stratified school compositions based largely on proximity or catchment areas (West, 2005).

Two of the mainstream secondary Free Schools are situated within LEAs still using banding on an authority wide basis. These are Wapping High School in Tower Hamlets and The Greenwich Free School in Greenwich. As a Local Authority Greenwich has a long history of LEA wide banding (White *et al.*, 2001) and it is significant that the Free School opted to become part of this. The clarity in this admissions policy and in the published figures in the LEA documentation (Royal Borough of Greenwich, 2012, p.40) seems to contribute towards a transparent system with an emphasis on obtaining a comprehensive mix across the authority.

Wapping High School in Tower Hamlets opted not to be part of the borough’s authority wide banding system for secondary admissions and instead chose to use a priority admissions zone (PAZ) to admit the majority of students should the school be oversubscribed. Two other nearby community schools also use a similar PAZ although they do this after the LEA wide banding system has been applied. There is perhaps therefore, increased potential for the Free School to ‘cream-skim’ children from more affluent families who live within this catchment area as they are being removed from the local banding process which seeks to create more balanced intakes across the authority.

### *Individual school banding*

Banding is not limited to the four LEAs discussed above. Some individual schools (particularly those responsible for their own admissions) have chosen to introduce it as part of their admissions process (West, 2005). In order for school level banding to happen, however, tests are taken by applicants to the school rather than by all children within a wider geographical area. The implications that this could have on intakes is discussed below with reference to the secondary Free Schools using this system.

Five secondary Free Schools operate a system of school level banding. Corby Technical School and Dixons Trinity state that they will place students into one of nine bands whereas The Rural Enterprise Academy, Batley Grammar and Kings Science Academy use five. Three schools state that their banding will be based on the spread of ability of those applying whereas one states that it will “admit an intake that is representative of the national

ability range” (Corby Technical School, 2013-14, p.1). This is an important distinction as banding which is only based on applicants to the school can still produce an unrepresentative intake. Schools are able to use a variety of methods to influence certain parents into applying or discourage others from doing so (Taylor & Gorard, 2003). If the pool of applicants, and therefore those taking the tests, are primarily from advantaged backgrounds then the places at the school will go to these students, resulting in an intake which does not represent the ability range of the local or national area (West, 2005).

### ***Oversubscription Criteria***

In addition to the arrangements for SEN and Looked After students and the banding used by some admissions authorities, the criteria used by secondary Free Schools can be grouped together using the following categories (Table 1):

- a) Sibling attendance
- b) Proximity
- c) Priority Admissions Zone (PAZ)
- d) Feeder primary school
- e) Faith
- f) Children of staff or founders of the school
- g) Random assignment
- h) Medical or social needs
- i) Other criteria

[Insert Table 1 here]

#### ***a) Sibling attendance***

Every secondary Free School refers to sibling attendance within their oversubscription criteria. For 12 of the 32 schools it is the highest priority criteria after the requirement to admit Looked After Children. For each of the schools the criteria was stated in a similar way to this example:

Children who, on the date of admission, will have a sibling on the roll of the school. Sibling means a full, step, half, adopted or fostered brother or sister...who will be living permanently with them at the same address at the date of their entry to the

school; the school may require proof of relationship. (Becket Keys Church of England School, 2013-14)

As noted in the 2012 Admissions Code, schools must clearly indicate what they mean by the term ‘sibling’ and all of the Free Schools do this within their policies. The use of sibling criteria by the schools, and its high priority is, as White *et al.* (2001) argue “obviously practical, relating not just to issues such as travel to school but also to considerations of students’ well-being and security in a new environment” (White *et al.*, 2001, p. 325). For Free Schools that have been established due to local parental demand, it is also understandable that the schools wish to ensure that such parents are able to have all of their children educated there if they wish to.

Within the admissions criteria of the five faith schools that have been analysed there are interesting differences in how the sibling criterion is used. For two of the schools the attendance of a sibling already at the school is included separately from any faith criteria. In the case of Becket Keys School, it is used before places are allocated on a faith basis. For Tauheedul Boys’ School the sibling criterion falls after the faith criteria, and before the criteria which gives places to non-Muslim Looked After children, those with medical/social needs, children of staff and those who live nearest the school. By contrast St Michael’s Catholic School, Nishkam High School and Al-Madinah School include sibling criteria within both their faith and non-faith pathways for admissions, as demonstrated here in the criteria from the Sikh secondary school:

C. Siblings – of Sikh Dharam faith or religion

Children with a sibling on the roll at the time of proposed admission.

C. Siblings – non – faith

Children with a sibling on the roll at the time of proposed admission. (Nishkam High School 2013-14)

In these cases, siblings who wish to attend the school either through a faith place or not, are given some degree of priority. For both Nishkam and Al-Madinah schools this priority is below the attendance of local feeder schools although it is quite possible that many siblings wishing to obtain places may do so through this criterion instead.

*b) Proximity from home to school*

Proximity criteria are used by 25 of the 32 Free Schools in this study. Many of the Free Schools using such criteria attempt to frame it in a simple, objective way, perhaps in the hope of making the process appear as fair as possible.

iv) Children living closest to the Free School, measured in a straight line from the home address to the front gates of the Free School.

Note 1: The Local Authority computerised GIS system will be used to measure distances. (Atherton Community School, 2013-14)

By including a technological method within the criterion there is an indication of a scientific approach, one which cannot be influenced by human bias or error. In stating that the measurements will be undertaken externally, the school is also perhaps attempting to demonstrate a commitment to ensuring equity amongst applicants whilst also assigning the administrative requirements of the allocation procedure to the LEA. The use of an independent body in making such decisions could be useful in allaying concerns that some schools do not always admit students in a fair way.

Not all Free Schools use proximity criteria to simply select students that live closest to the school. The West London Free School, for example, uses tiered proximity criteria in order to award places to students who live different distances away. After their first four criteria have been filled, 50% of places are allocated to those children living nearest to the school; two thirds of remaining criteria are then given to children living within a 1.5 mile radius of the school; following this any remaining places are offered to children living within a 1.5-3 mile radius of the school. Students are allocated places randomly within these final two categories rather than on proximity (West London Free School, 2013-14, p.5). The rationale behind this method of allocation is not known although it is possible that the school believe that they will gain a more diverse intake if they admit students from a wider range of residential areas.

Interestingly the distances used in the oversubscription criteria of the West London Free School have changed each year since the school has been open. In 2012, after 50% of remaining places were given to those living nearest the school, two thirds of remaining places were given to children living within a three mile radius and further remaining places were

allocated to children from within a three-five mile radius (Hammersmith and Fulham Council, 2012). In the proposals for 2014 admissions, the second proximity criterion states that places will be offered to children living within one mile followed by children living between one and three miles of the school (West London Free School, 2014-15, p.11). Presumably such alterations are due to those responsible wishing to have more places available for families living nearer to the school although whether this has an impact on the student composition is unknown at this stage.

*c) Priority Admissions Zones (PAZs) or 'catchment' areas*

PAZs are areas that have been designated by a particular school or local authority in order to give priority access to certain schools. For some LEAs the term is just another way of indicating a 'catchment area' although it should be noted that PAZs do not always refer to areas closest to the school. In the case of Free Schools, these areas are of particular interest as they can be chosen by the schools themselves and so could be used to influence the composition of the intake. Of the 32 secondary Free Schools, 10 use some form of PAZ or 'catchment area' criteria within their oversubscription categories.

Within the PAZ criteria, other priorities (such as siblings, proximity or random selection) can often be found as further ways of deciding places. The notion of having a particular geographical area as a way of allocating priority places is interpreted very differently amongst the 10 schools that use it. Some of the secondary Free Schools name certain towns/villages where children should reside in order to receive priority entry to the school. An example of this is shown below from Corby Technical School:

1. ... is intended primarily to serve the area "Corby" which means the town of Corby and the associated villages...the associated villages are currently: Brigstock, Cottingham, East Carlton, Great Oakley, Gretton, Harringworth, Little Oakley, Lyveden, Middleton, Rockingham, Stanion and Weldon. (The Corby Technical School 2013-14)

The Corby Technical School appears to be working within an established LEA system here and is clearly hoping to attract local children as well as supporting a system used by the LEA in allocating places to community schools (Northamptonshire County Council, 2013).

Another example of area-based criteria to admit students can be seen in the following extract from the admissions policy of Oakbank School:

- D) Children living nearest to the school measured as the crow flies, that is in a straight line from the child's home to the main entrance of the school (travel by private car or public transport is not taken into account) within each of three identified segments in the following proportions:
- a. Shinfield segment (30% of remaining PAN (Published Admissions Number))
  - b. Grazeley and Three Mile Cross segment (30% of remaining PAN)
  - c. Spencer's Wood and Swallowfield segment (40% of remaining PAN) (Oakbank 2013-14)

Unfortunately, here is no explanation of why Area C, a very rural region which does not cover any of the more populated areas of South Reading or Shinfield, has been allocated a higher proportion of the available places. It could perhaps be because the founders of the school wish to serve an area where there are currently fewer secondary school places for children within close proximity to their home; the Shinfield segment, by contrast, currently has a number of alternative high schools within it.

Prior to the school opening, the use of the priority admissions area at The Bristol Free School raised concerns about equality of access:

3. For entry into the school (normally Year 7) an Admissions Priority Area (APA) will apply. The APA is a geographic area based upon the Neighbourhood Partnership Area (NPA), centred upon, the BS9 area, modified to incorporate the area close to the school (Bristol Free School 2013-14).

Within this APA 20% of places will be allocated based on proximity to school. However, the Bristol Free School then use another point, close to the centre of the NPA, from which to designate the other 80% of places at the school. This measurement point, where an Admissions Office has been located, is situated in an affluent area of the city, nearly two miles away from the school. This is where the majority of students will reside, an area socioeconomically very different to that in which the school is found. Questions have been raised about the potentially negative impact that this could have on other schools within that area, and on the families who live closer to the school but who may be less likely to gain admission (Boffey, 2011).

#### *d) Feeder Primary Schools*

Five of the Free Schools use designated feeder primaries, with some focusing on a single primary school whilst others include a number of them within the criteria. Two of the faith schools use feeder primaries as do two of the Free Schools which converted from independent status in 2011. Batley Grammar School, for example, state that:

- There will be a PAN of 60, assuming that all of the 24 pupils in the primary phase Year 6 transfer to the secondary phase. If less transfer then the PAN will increase accordingly to provide a Year 7 cohort of 84 (Batley Grammar School 2013-2014)

Due to Batley Grammar serving children between the ages of 4-18, it is not surprising that the school would expect a significant number of children to transfer directly from the primary to secondary phases. This criterion appears to feature outside of any oversubscription criteria and guarantees nearly 30% of its secondary intake based on attendance at the primary school. This, therefore, highlights the importance of considering the criteria used to admit students to the primary phase too.

Nishkam School and Al-Madinah High School (both faith schools) use feeder schools to allocate places. Like Batley Grammar they have primary phases as part of their institution and the children attending these are given priority entry. For Nishkam High this equates to 60 of the 100 places being potentially given to children at the feeder, whereas for Al-Madinah there could be 60 of the 120 places allocated to those from the feeder school. Given that there are priority faith places available for students in the primary phase, then it seems possible that the feeder school criterion could further contribute towards religious and ethnic segregation within in the secondary phases of these schools.

#### *e) Faith*

The five religious secondary Free Schools have been defined as such due to their use of faith-based oversubscription criteria. That is not to say that they are the only schools to promote a faith ethos. The website for Sandbach School, for example, states that the school “has a strong spiritual ethos within broad Christian traditions” (Sandbach School, 2013) whilst the name of Grindon Hall Christian School might suggest a religious affiliation. Religious Free Schools, like other faith schools, can admit up to 50% of their intake with reference to faith

(DfE, 2012). This section will briefly consider some of the faith criteria used by the secondary Free Schools although some has also been discussed in previous sections.

The way that faith criteria is operationalised and used within the admissions policies differs from school to school. Four of the five religious Free Schools attempt to show two clear pathways or strands in their admissions criteria with further categories used within these to prioritise entry.

One particularly interesting use of faith criteria is found in the admissions policy of the Tauheedul Islam Boys' High School. Here it is not just religion that has an impact on priority admissions but place of worship too. The following two oversubscription criteria are used to admit 50% of the school's intake:

2. Boys whose parents are members of, or women, who receive the membership benefits of, Masjid-e-Tauheedul Islam.
3. Boys whose parents are members of, or women, who receive the membership benefits of, Masjid al Hidayah, Masjid-e-Irfan and Masjid-e-Anisul Islam. (Tauheedul Islam Boys' High School, 2013-14)

The four mosques mentioned here are located close to the school (all within about 1.5 miles). As it is likely that those attending the specified mosques live locally to them, the school are perhaps reinforcing their desire to serve a very local Muslim community with strong ties to nearby places of worship and the faith leaders who work there. Again the potential for the school to reflect the residential segregation of the area in which it is situated appears to be apparent.

*f) Children of founders or staff at the school*

As part of a Free School's funding agreement children of the school's founders can be given priority. This ruling falls outside of the School Admissions Code with concerns being raised about whether such derogation from the code can be deemed fair (Academies Commission, 2013). Some, however, argue that the numbers affected by this criterion are very small, and that it is an acceptable practice due to the efforts of the founders to set-up the school (Shaw, 2011).

Of the 32 secondary Free Schools, 11 include oversubscription criteria relating to the founders and/or staff of the school. Stour Valley Community School do not use the term 'founders' but do instead state:



C. Children of staff and Governors at the school. (Stour Valley Community School, 2013-14)

The priority admission of governors' children is not permitted within the 2012 Admissions Code so unless all of the governors are founders or staff, part of this criterion could potentially be breaching the legislation.

*g) Random Assignment*

Having places decided through the use of lotteries or random allocation rather than using distance criteria could lead to better representation of the variation in the local population and therefore less segregation between schools (Gorard *et al.*, 2013). Yet, the 2012 Admissions Code prevents LEAs from using lotteries or random assignment as a principal method of assignment if schools are oversubscribed (DfE, 2012). Whilst Free Schools would not have to follow such guidelines as they operate outside of LEA control, the ones that do use some form of random assignment all use it as the final criterion in their policy. Despite this, a significant number of places are often still available via this method. Sandymoor School, for example, had 120 places available this year and used random allocation following the admission of Looked After children, those with medical needs and those with siblings at the school. These first three criteria would form only a small percentage of the intake, leaving many places available to be allocated randomly (Sandymoor School, 2013-14).

A further example can be seen in the criteria from Avanti House School which allocates 50% of remaining places to those living nearest the school and the final 50% based on:

...random allocation using an independently scrutinised process. (Avanti House School, 2013-14).

With a PAN of 180 children, that leaves a significant number of places to be allocated randomly. Whilst this school does attempt to give some indication that the random allocation will be undertaken independently, some of the Free Schools do not state this. Further investigation of the processes and procedures used with this form of admissions practice is perhaps needed as it has the potential to lack transparency. If the school carry out the random allocation rather than the LEA, then there is nothing to stop them selecting children based on the information available on application forms or that gained from other correspondence or visits to the school. Analysis of pupil-level data will be able to give further insight into the schools that are using random allocation and the extent to which more balanced intakes are

being achieved. As with individual school banding, however, this method is based on applicants to that particular school who may not equally represent the population of the local area.

*h) Medical or social need*

This category features in 13 of the admissions policies of the secondary Free Schools; for 10 of these schools it is the highest ranked criterion after Looked After children. In order to be admitted on the basis of medical or social need, supporting evidence is required and must be provided by professionals. Greenwich Free School, for example, states:

b) Medical/Social: Children whose acute, established and documented medical or social needs justify a place at the school. (Greenwich Free School, 2013-14)

As a proportion of places available, those allocated due to this criterion are generally quite small. However, it is significant that a number of the secondary schools have adopted this category and also perhaps significant that many have not. This may be due to some Free Schools adopting similar admissions criteria as their LEAs (some of which use medical/social need as a category and some who choose not to). Furthermore, some Free Schools which have newly opened are relatively small in size and number of staff, and perhaps are operating in temporary accommodation. Due to this they may not feel that they currently have the resources to cope with some of the acute needs that such students might have.

*i) Other Criteria*

Whilst only currently being used by one Free School each, there are two other criteria which warrant some consideration, especially in a discussion concerning equity in the admissions process. These criteria are ‘aptitude’ and ‘eligibility for Free School Meals.’

The West London Free School is the only Free School to use aptitude within their admissions policy. The school states that it will admit:

- Up to 12 children who have applied to be considered under the musical aptitude scheme (West London Free School, 2013-2014).

Free Schools and Academies are permitted to admit 10% of the PAN based on aptitude for sport, modern foreign languages and visual or performing arts. Using musical aptitude criteria

could potentially be seen as disadvantaging those from poorer backgrounds due to the fact that those who are skilled musicians are more likely to be from middle-class backgrounds where music lessons and the purchase of instruments has been possible during the primary school years (Bates, 2012; Phillips, 2013). If, however, a significant proportion of other places are allocated to less advantaged children, this could be viewed as a way of trying to obtain a more comprehensive mix of abilities within the school.

Another interesting criterion is found in the admissions policy of The Kings Science Academy in Bradford:

(5) Children who are entitled to Free School Meals (FSM)....All the students who are entitled to FSM are grouped together in each Catchment Area and 15% are selected at random from each Catchment Area (Kings Science Academy, 2012-13).

Using eligibility for FSM (or the Pupil Premium as some of the primary Free Schools have done) links with the government's argument that the introduction of recent educational policy will lead to improved opportunities for poorer students by ensuring that they can access good schools (Gove, 2012).

The school indicates that they will use a quota system to allocate 15% of places from each catchment area to children who receive Free School Meals. Located in an area which has been described as the "fourth most income-deprived district in the country," (Athwal *et al.*, 2011, p. 8) this is perhaps an attempt by the school to prioritise entry to disadvantaged children and to ensure that the school is seen by parents as being inclusive and welcoming of students from the local area.

The fact that this criterion has only been adopted by one secondary Free School is quite significant and could suggest that guaranteeing a certain proportion of places for poorer students is not a priority for many of these new schools. Whilst some may feel that it is not necessary to use such criteria if they know that their proximity or catchment areas will provide access to more disadvantaged local children, the reality is that levels of segregation between schools still remain high, and measures to tackle it and ensure more balanced intakes need to be adopted. If those schools which are located in more affluent areas are serious about gaining a balanced intake then using such criteria may be necessary in order to promote equity of access.

## ***Conclusion***

Whilst the Free Schools initiative is still in the early stages, the evaluation of admissions policies and particularly the oversubscription criteria being used give an insight into the diversity of approaches being adopted by this new type of school. Furthermore, this analysis gives a clear indication of the methods that Free Schools are using to prioritise access. As expected, there is significant variation in the criteria employed by the secondary Free Schools in England, at least in part due to the nature of the programme and the emphasis on freedom and autonomous management and decision-making.

The potential for admissions criteria to influence the intake of Free Schools has also been highlighted in this paper. The decisions by the schools to include criteria which allows them to design their own catchment areas, choose their feeder schools, give priority to children of founders or use banding systems could significantly affect those who choose to apply and gain admission to the school. Allocating disproportionate numbers of places to more advantaged children, to children from a particular faith or from a certain neighbourhood could increase the segregation of students between schools, having potentially negative impacts on social and academic outcomes. Whilst a number of the schools claim that they are committed to having a comprehensive mix of abilities within their intakes, the use of individual school banding (as opposed to an authority wide system) will not necessarily achieve this. Similarly, giving priority to students eligible for FSM and the use of random allocation may seem like fairer ways to allocate places but as with all admissions processes, a balanced student composition cannot be achieved if the applicants to the school are not representative of the different backgrounds of those within the local area. The schools need to ensure that they are being responsible for this and that they are seen as a genuine choice for all parents. The admissions criteria can contribute by being as transparent, straightforward and fair as possible.

Although this research gives an overview of the admissions criteria used by the first two waves of secondary Free Schools, there is still much more to be done if we are to gain a clearer understanding of how they are operating and allocating places to children within the wider system. Evaluation of the policies used by the schools that have opened this year (including primary schools) and the tracking of admissions policies over time will provide further insights. Data on the actual composition of the intakes will also give the clearest picture of the role that Free Schools are playing in delivering choice for families from

different backgrounds. Analysis of school and pupil level data is therefore the next step in this project.

## References

Academies Commission. (2013). *Unleashing Greatness: Getting the best from an academised system*. Available online at: [https://dl.dropboxusercontent.com/u/6933673/130109%20-%20Academies%20Commission/Academies\\_commission\\_report%20FINAL%20web%20version.pdf](https://dl.dropboxusercontent.com/u/6933673/130109%20-%20Academies%20Commission/Academies_commission_report%20FINAL%20web%20version.pdf)

Adams, R. (2013). *Full list of free schools approved for 2014 opening*. The Guardian, 22<sup>nd</sup> May 2013

Allen, R. and West, A. (2011). Why do faith secondary schools have advantaged intakes? The relative importance of neighbourhood characteristics, social background and religious identification amongst parents. *British Educational Research Journal*, 37, 4, pp. 691-712.

Allen, R., Coldron, J. and West, A. (2011). The effect of changes in published secondary school admissions on pupil composition. *Journal of Education Policy*, 27, 3, pp. 349–366.

Athwal, B., Brill, L., Chesters, G. and Quiggin, M. (2011). *Recession, poverty and sustainable livelihoods in Bradford*. York: Joseph Rowntree Foundation

Bates, V. (2012). Social Class and School Music. *Music Educators Journal*, 98, 4, pp. 33-37.

Boffey, D. (2011). *Michael Gove's free schools will be for the middle class, claim opponents*. The Observer, 11<sup>th</sup> June 2011.

Burgess, S., Briggs, A., McConnell, B. and Slater, H. (2006). *School Choice in England: Background Facts*. Bristol: CMPO Working Paper No. 06/159

Catney, G. (2013). *Has neighbourhood ethnic segregation decreased?* Manchester: Centre on Dynamics of Ethnicity. Available online at: [http://www.ethnicity.ac.uk/census/885\\_CCSR\\_Neighbourhood\\_Bulletin\\_v7.pdf](http://www.ethnicity.ac.uk/census/885_CCSR_Neighbourhood_Bulletin_v7.pdf)

Cornwall Council. (2012). *Transfer to Secondary School 2013/2014*. Truro: Cornwall Council

Corporate Research Unit. (2011). *Tower Hamlets: Indices of Deprivation 2010, Research Briefing 2011-03*. London: CRU

Curtis, A., Exley, S., Sasia, A., Tough, S. and Whitty, G. (2008). *The Academies programme: Progress, problems and possibilities*. London: The Sutton Trust

DfE (2012). *School Admissions Code*. Available online at:  
<http://media.education.gov.uk/assets/files/pdf/s/school%20admissions%20code%201%20february%202012.pdf>

DfE. (2013a). Open academies and academy projects in development. Available online at:  
<http://www.education.gov.uk/schools/leadership/typesofschools/academies/b00208569/open-academies>

DfE. (2013b). New school year sees number of free schools double. Available online at:  
<https://www.gov.uk/government/news/new-school-year-sees-number-of-free-schools-double>

Downs, J. (2013). *Many schools have failed to publish their 2014/15 admissions criteria by the deadline. Can Schools Adjudicator do anything about it?* Available online at:  
<http://www.localschoolsnetwork.org.uk/2013/06/many-schools-have-failed-to-publish-their-201415-admissions-criteria-by-the-deadline-can-schools-adjudicator-do-anything-about-it/>

Flude, M. and Hammer, M. (1990). Introduction, in: M. Flude and M. Hammer (Eds) *The Education Reform Act 1988: Its origins and implications*. Basingstoke: Falmer Press

Gooch, R. (2011). *Free Schools and disadvantaged children: the data*. Available online at:  
<http://schooldugger.wordpress.com/2011/11/14/free-schoolsand-disadvantaged-children-the-data/>

Gorard, S., Taylor, C. and Fitz, J. (2003). *Schools, Markets and Choice Policies*. London: RoutledgeFalmer

Gorard, S., Hordosy, R. and See, B.H. (2013). Narrowing down the determinants of between-school segregation: An analysis of the intake to all schools in England 1989-2011, *Journal of School Choice*, 7, 2, pp. 182-195

Gove, M. (2012) *A coalition for good - how we can all work together to make opportunity more equal Speech to Brighton College*. Available online at:  
<https://www.gov.uk/government/speeches/education-secretary-michael-goves-speech-to-brighton-college>

Hammersmith and Fulham Council (2012). *Moving on Up*. Available online at:  
[http://www.lbhf.gov.uk/Images/Secondary\\_transfer\\_2013\\_tcm21-174901.pdf](http://www.lbhf.gov.uk/Images/Secondary_transfer_2013_tcm21-174901.pdf)

Harris, R. (2012). Geographies of transition and the separation of lower and higher attaining students in the move from primary to secondary school in London, *Transactions*, 38, 2, pp. 254-266

Hatcher, R. (2011). The Conservative-Liberal Democrat Coalition government's 'free schools' in England, *Educational Review*, 63, 4, pp. 485-503.

New Schools Network (2011). *Comparison of Different School Types*. Available online at: <http://newschoolsnetwork.org/sites/default/files/files/pdf/Differences%20across%20school%20types.pdf>

Northamptonshire Council (2013). *Applying for a Secondary School Place in Northamptonshire*. Available online at: [http://www.northamptonshire.gov.uk/en/councilservices/EducationandLearning/admission/Documents/PDF%20Documents/NCC76642\\_Secondary%20school\\_web\\_Octv2.pdf](http://www.northamptonshire.gov.uk/en/councilservices/EducationandLearning/admission/Documents/PDF%20Documents/NCC76642_Secondary%20school_web_Octv2.pdf)

OSA (2012a). *Reports ADA2354 to 2361: Barnfield Moorlands Free School*. Available online at: <http://www.education.gov.uk/schoolsadjudicator/decisions/database/a00213454/ada2354bmf>

OSA (2012b). *Report ADA2253: Langley Hall Primary Academy*. Available online at: <http://www.education.gov.uk/schoolsadjudicator/decisions/database/a00211804/ada2253lhpa>

OSA (2012c). *Report ADA2252: Maharishi Free School, Lancashire*. Available online at: <http://www.education.gov.uk/schoolsadjudicator/decisions/database/a00211806/ada2252mfs>

Phillips, P. (2013). *Class prejudice is keeping talented children out of classical music*. The Spectator, 2 March 2013.

PricewaterhouseCoopers (2008). *Academies Evaluation Fifth Annual Report*. Nottingham: DCSF Publications. Available online at: <http://dera.ioe.ac.uk/8409/>

Royal Borough of Greenwich (2012). *Secondary Schools in Royal Greenwich 2013/14*. London: Royal Borough of Greenwich

Shaw, C. (2011). *Jumping the queue is just desserts, says Toby Young*. TES, 16<sup>th</sup> December 2011.

Shepherd, J. and Vasagar, J. (2010). *Swedish-style free schools may increase social divide*. The Guardian, 21<sup>st</sup> July 2010.

Sunderland Council (2012). *Admission to Secondary Schools: Information for Parents 2013/14*. Available online at: <http://www.sunderland.gov.uk/CHttpHandler.ashx?id=11141&p=0>

Taylor, C. and Gorard, S. (2003). *Secondary School Admissions in London* (Paper presented at IPPR seminar, 9 January 2003). Available online at: <http://www.leeds.ac.uk/educol/documents/00002814.htm>

The Sutton Trust (2013). *Selective Comprehensives: The social composition of top comprehensive schools*. Available online at: <http://www.suttontrust.com/our-work/research/item/selective-comprehensives-the-social-composition-of-top/>

Vasagar, J. (2012). *Third of new free schools are religious*. The Guardian, 13<sup>th</sup> July 2012

West, A., Hind, A. and Pennell, H. (2004). School admissions and "selection" in comprehensive schools: policy and practice, *Oxford Review of Education*, 30, 3, pp. 347-369.

West, A. (2005). "Banding" and secondary school admissions: 1972-2004, *British Journal of Educational Studies*, 53, 1, pp. 19-33.

West, A., Barham, E. and Hind, A. (2009). *Secondary school admissions in England: Policy and practice*. Report commissioned by the RISE Trust. Available online at: <http://risetrust.org.uk/pdfs/secondary-school-admissions-mar-2009.pdf>

White, P., Gorard, S., Fitz, J., Taylor, C. (2001). Regional and Local Differences in Admission Arrangements for Schools, *Oxford Review of Education*, 27, 3, pp. 317-337.

Wilson, J. (2011). *Are England's Academies More Inclusive or More 'Exclusive'? The Impact of Institutional Change on the Pupil Profile of Schools*, CEE Discussion Paper CEEDP0125. London: Centre for the Economics of Education: LSE